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## MAILED

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NOV 21 2011

## OFFICE OF PETITIONS

|                             |   |             |
|-----------------------------|---|-------------|
| In re Patent No. 6,296,294  | : |             |
| Issued: October 2, 2001     | : |             |
| Application No. 09/288,136  | : | ON PETITION |
| Filed: April 8, 1999        | : |             |
| Attorney Docket No. 98-1405 | : |             |

This is a decision on the petition under 37 CFR 1.378(b), filed October 4, 2011, to reinstate the above-cited patent.

The petition is **dismissed without prejudice**.

Petitioner is allowed **TWO MONTHS** from the mailing date of this decision to provide an appropriate response. Extensions of time under 37 CFR 1.136(a) are NOT available. If no response is received, the monies received on October 4, 2011 for payment of the 7.5-year maintenance and surcharge for the petition will be refunded and no further consideration of the matter will be undertaken.

The patent issued October 2, 2011. The 7.5 year maintenance fee could have been paid from October 2, 2008, through April 2, 2009, or with a surcharge, as authorized by 37 CFR 1.20(h), during the period April 3, 2009, until midnight October 2, 2009. The maintenance fee was not timely received. Accordingly, the patent expired at midnight on October 2, 2009.

It is noted that the instant petition is signed by Thomas Russell, who is neither an inventor on this patent or a registered agent with the USPTO. Further USPTO records do not indicate that Mr. Russell is an assignee of the patent (though the statement and "Assignment of Patent" petitioner provided with the petition seems to indicate that is Mr. Thomas' relationship to the patent.) The maintenance fee will only be accepted from the inventors on the patent, a registered patent agent, or the assignee empowered under 37 CFR 3.73(b). Petitioner is advised that any renewed petition must be either signed by both of the named inventors on the patent, a registered agent, or the assignee for patent. If the assignee signs the petition, the petition must be accompanied by a certificate under 37 CFR 3.73(b) empowering the assignee to take action on the patent. Such is enclosed for petitioner's convenience.

The renewed petition should be accompanied by the completed form PTO/SB/96 . Further, petitioner should have the assignment document recorded with the Assignment Branch and may contact the Assignment Branch for more guidance on how to record the assignment document.

In re Patent No. 6,296,294

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Commissioner for Patent  
                                Mail Stop Petitions  
                                Box 1450  
                                Alexandria, VA 22313-1460

By facsimile:             (571) 273-8300  
                                Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petition Attorney  
Office of Petitions

Enclosed: Form PTO/SB/96